

EXHIBIT B

CLOSED

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:07-cv-00072-LRH-VPC**

Harding v. Naseman
Assigned to: Judge Larry R. Hicks
Referred to: Magistrate Judge Valerie P. Cooke
Case in other court: Second Judicial District Court, CV06-03098
Cause: 28:1332 Diversity-Petition for Removal

Date Filed: 02/13/2007
Date Terminated: 10/04/2007
Jury Demand: None
Nature of Suit: 370 Fraud or Truth-In-Lending
Jurisdiction: Diversity

Plaintiff

Toehl Harding

represented by **Kent R. Robison**
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
(775) 329-3151
Fax: (775) 329-7169
Email: krobison@rbslattys.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer L. Baker
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
775-329-3151
Fax: 775-329-7169
Email: jlbaker@rbslattys.com
ATTORNEY TO BE NOTICED

V.

Defendant

David Naseman

represented by **J. Stephen Peek**
Hale Lane Peek, et al
3930 Howard Hughes Parkway
Suite 400
Las Vegas, NV 89169
Email: speek@hollandhart.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia Halstead

Hale Lane Peek, Dennison & Howard
 5441 Kietzke Lane
 Suite 200
 Reno, NV 89511
 Email: phalstead@halelane.com
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 02/13/2007 | <u>1</u> | PETITION FOR REMOVAL by David Naseman <i>Notice of Removal</i> from Second Judicial District Court, Case Number CV06-03098, (Filing fee \$ 350 receipt number 481978), filed by David Naseman. (Attachments: # <u>1</u> Exhibit Exhibit A to Notice of Removal# <u>2</u> Civil Cover Sheet Civil Cover Sheet) (Halstead, Patricia) (Entered: 02/13/2007) |
| 02/14/2007 | | Case assigned to District Judge Larry R. Hicks and Magistrate Judge Valerie P. Cooke. (FJ,) (Entered: 02/14/2007) |
| 02/14/2007 | <u>2</u> | MINUTE ORDER IN CHAMBERS of the Honorable Larry R. Hicks, U.S. District Judge on 2/14/2007. By Deputy Clerk: Daniel R. Morgan. IT IS ORDERED that all parties removing actions to this court must, WITHIN 15 DAYS, file and serve a signed Statement including: date complaint served; date summons served; on diversity jurisdiction cases, names of served defendants who are citizens of Nevada, the citizenship of the other parties and a summary of defendants evidence of the amount in controversy; if filed more than 30 days after service, the reason removal has taken place at this time and the date you first received a paper identifying the basis for removal; if action in state court was commenced more than one year before the date of removal, the reasons this action should not summarily be remanded to the state court; name of any defendant known to have been served before removal filed who did not join in removal and reasons they did not; all defendants who joined in removal may file statement jointly. IT IS FURTHER ORDERED that counsel shall, WITHIN 30 DAYS, file a Joint Status Report including: list of pending motions and/or other matters which require the attention of this court and copies of same; statement by counsel of action required to be taken by this court. Removing defendant shall serve a copy of this Order on all other parties to the action no later than the time they file and serve a copy of the Statement required by this Order. A party who learns that the Statement(s) filed pursuant to this Order contain(s) incorrect information shall promptly notify this court in writing. Statement due by 3/1/2007. Status Report due by 3/16/2007. (no image attached) (DRM,) (Entered: 02/14/2007) |
| 02/14/2007 | <u>3</u> | CERTIFICATE of Interested Parties by Defendant David Naseman. (Halstead, Patricia) Modified on 5/10/2007 to reflect <i>No Other Known Interested Parties</i> . |

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| | | (BLG). (Entered: 02/14/2007) |
| 02/14/2007 | <u>4</u> | STATEMENT of to Court Pursuant to February 14, 2007 Minute Order re 2 Minute Order re Removal,,,,,; by Defendant David Naseman. (Halstead, Patricia) (Entered: 02/14/2007) |
| 02/21/2007 | <u>5</u> | CERTIFICATE of Interested Parties <i>with Certificate of Service</i> by Plaintiff Toehl Harding. (Robison, Kent) Modified on 5/10/2007 to reflect <i>No Other Known Interested Parties</i> . (BLG). (Entered: 02/21/2007) |
| 02/21/2007 | <u>6</u> | NOTICE by Defendant David Naseman <i>Notice of Stipulation and Order for Extension of Time to Answer or Otherwise Respond to Complaint</i> (Halstead, Patricia) (Entered: 02/21/2007) |
| 02/26/2007 | <u>7</u> | STATUS REPORT (<i>JOINT</i>) by Plaintiff Toehl Harding, Defendant David Naseman. (Robison, Kent) (Entered: 02/26/2007) |
| 03/01/2007 | <u>8</u> | MOTION to Dismiss for Lack of Jurisdiction <i>Motion to Dismiss for Lack of Personal Jurisdiction or, Alternatively, Motion to Transfer Venue</i> by Defendant David Naseman. Responses due by 3/19/2007. (Attachments: # <u>1</u> Exhibit A through C)(Halstead, Patricia) (Entered: 03/01/2007) |
| 03/19/2007 | <u>9</u> | RESPONSE to <u>8</u> MOTION to Dismiss for Lack of Jurisdiction <i>Motion to Dismiss for Lack of Personal Jurisdiction or, Alternatively, Motion to Transfer Venue</i> ; filed by Plaintiff Toehl Harding. <i>with Certificate of Service</i> Replies due by 4/2/2007. (Robison, Kent) (Entered: 03/19/2007) |
| 04/12/2007 | <u>10</u> | REPLY to Response to <u>8</u> MOTION to Dismiss for Lack of Jurisdiction <i>Motion to Dismiss for Lack of Personal Jurisdiction or, Alternatively, Motion to Transfer Venue</i> ; filed by Defendant David Naseman. (Halstead, Patricia) (Entered: 04/12/2007) |
| 10/03/2007 | <u>11</u> | ORDER GRANTING IN PART AND DENYING IN PART <u>8</u> Motion to Dismiss for Lack of Jurisdiction. Mtn is granted with respect to mtn to transfer and denied with respect to mtn to dismiss. Clerk directed to take all necessary action to transfer action to USDC Southern Dist of NY. Signed by Judge Larry R. Hicks on 10/2/07. (Copies have been distributed pursuant to the NEF - JC) (Entered: 10/03/2007) |
| 10/03/2007 | <u>12</u> | TRANSMITTAL of Certified copy of <u>11</u> Order on Motion to Dismiss/Lack of Jurisdiction and copy of docket sheet to USDC, Southern District of NY. Mailed to Clerk's Office, 120 Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312. (JC) (Entered: 10/03/2007) |
| 10/26/2007 | <u>13</u> | TRANSMITTAL RETURN re <u>12</u> Transmittal. NY Case #1:07cv8767. (JC) (Entered: 10/29/2007) |

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EXHIBIT C

J. Stephen Peek, Esq.
Nevada Bar Number 1758
Patricia C. Halstead, Esq.
Nevada Bar Number 6668
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511
(775) 327-3000; (775) 786-6179-facsimile
Attorneys for Defendant David Naseman

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TOEHL HARDING,

CASE NO.:

Plaintiff,

vs.

NOTICE OF REMOVAL

DAVID NASEMAN, and DOES 1-10, inclusive,

Defendants.

TO: The United States District Court for the District of Nevada and Plaintiffs.

DAVID NASEMAN ("Mr. Naseman"), hereby gives notice of the removal of this action to the United States District Court for the District of Nevada pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 and, in support thereof, states as follows:

1. Jurisdiction of this action is founded upon 28 U.S.C. §§ 1332 and 1441(a) as the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

2. Mr. Naseman is the named Defendant in the above-entitled action which was commenced in the Second Judicial District Court of the State of Nevada in and for the County of Washoe on or about December 29, 2006.

3. Service of Summons and Complaint upon Mr. Naseman was made by personal service on January 24, 2007. A First Amended Complaint was filed on January 12, 2007.

4. No further proceedings have been had in this matter in the Second Judicial District Court of the State of Nevada in and for the County of Washoe.

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

1 5. Mr. Naseman is and was at the time this action as commenced a resident of the state of
2 Arizona. Plaintiff, Toehl Harding ("Ms. Harding"), alleges that she is a resident of the state of New
3 York. Does 1-10 are named and sued fictitiously and their citizenship is disregarded as a matter of law
4 for purposes of removal on grounds of diversity jurisdiction. There is now and there was at the time of
5 commencement of this action complete diversity between the parties.

6 6. The First Amended Complaint, a true and correct copy of which is attached hereto as
7 **Exhibit "A,"** alleges twelve claims for relief that are based upon fraud/misrepresentation, contract,
8 conversion, breach of fiduciary duty, and equity. Ms. Harding prays for the recovery of general
9 damages "in excess of \$10,000." Ms. Harding also prays for unspecified punitive damages. Based
10 upon the damages alleged throughout the Complaint, it is evident that the total sum of damages sought
11 by Ms. Harding necessarily exceeds \$75,000, exclusive of interest and costs.

12 7. This Court has original jurisdiction over the subject matter of this claim under the
13 provisions of 28 U.S.C. § 1332 in that there is complete diversity between the parties and more than
14 \$75,000 in controversy exclusive of interest and costs. Pursuant to 28 U.S.C. § 1441, Mr. Naseman is,
15 therefore, entitled to remove this action to this Court.

16 8. Thirty days have not elapsed since Mr. Naseman was served with the Summons, the
17 Complaint, and the First Amended Complaint in this matter. The Summons, the Complaint, and the
18 First Amended Complaint constitute all of the papers and pleadings served upon Mr. Naseman.

19 9. A true and correct copy of this Notice of Removal is being filed this date with the Clerk
20 of the Second Judicial District Court of the State of Nevada in and for the County of Washoe.

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5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

10. This Notice of Removal is signed in accordance with FRCP 11.

Based upon the foregoing, Mr. Naseman, hereby gives notice of the removal of the above action now pending before the Second Judicial District Court of the State of Nevada in and for the County of Washoe as case number CV06-03098 to this Court.

DATED: February 13, 2007.

/s/

J. Stephen Peek, Esq.
Nevada Bar Number 1758
Patricia C. Halstead, Esq.
Nevada Bar Number 6668
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Tenth Floor
Reno, Nevada 89511
(775) 327-3000; (775) 786-6179-facsimile
Attorneys for Defendant David Naseman

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

1 **PROOF OF SERVICE**

2 I, Liz Ford, declare:

3 I am employed in the City of Reno, County of Washoe, State of Nevada by the law offices of
4 Hale Lane Peek Dennison and Howard. My business address is 5441 Kietzke Lane, Second Floor,
Reno, Nevada 89511. I am over the age of 18 years and not a party to this action.

5 I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection and
6 processing of its outgoing mail with the United States Postal Service. Such practice in the ordinary
course of business provides for the deposit of all outgoing mail with the United States Postal Service
7 on the same day it is collected and processed for mailing.

8 On February 13, 2007, I served the foregoing **NOTICE OF REMOVAL** by placing a true
copy thereof in Hale Lane Peek Dennison and Howard's outgoing mail in a sealed envelope, addressed
9 as follows:

10 Kent Robison, Esq.
Jennifer Baker, Esq.
Robison Belaustegui Sharp & Low
11 71 Washington Street
Reno, NV 89503

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct, and that this declaration was executed on February 13, 2007.

14
15 /s/
16 Liz Ford

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511